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EXAMINER

PAN, JOSEPH T

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2135

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,020

Applicant(s)

BIRRELL ET AL.

Examiner

JOSEPH PAN

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-20,28-34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-20,28-34 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 25, 2008 has been entered.

2. Applicant's response filed on January 25, 2008 has been carefully considered. Claims 1, 12, 28, and 36 have been amended. Claims 2, 11, 22-27, and 35 have been canceled. Claims 1, 3-10, 12-20, 28-34, and 36 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-10, 12-20, 28-34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juels et al. (U.S. Patent No. 7,197,639 B1) in view of Landsman et al. (U.S. Pub. No. 2005/0055410 A1), hereinafter "Landsman".

Referring to claims 1, 28, 36:

i. Juels teaches:

A cancellation server of a digital delivery system, the cancellation server communicatively coupled to at least one database, and configured for executing the steps of: receiving an identifier associated with a cryptographic puzzle, the puzzle being attached to a digital object, the digital object being an electronic mail message intended for delivery from a sender to a recipient distinct from the sender (see figure 2, element 270 'communicate verification of the correct results of the task'; column 19, lines 38-47 ' Note that to prevent an adversary from using the same solved puzzle for multiple allocations, the server 120 must ensure that only one slot in B is allocated for each request M.sub.i. One way to accomplish this is to let some unique identifier derived from M.sub.i.sup.1 [i.e., request] be associated with the slot allocated for M.sub.i. On receiving a correctly solved puzzle corresponding to M.sub.i, the server 120 checks that no slot has been allocated for it already. One means of enabling a rapid search for already-used identifiers would be to assign slots through bucket hashing on identifiers.'; column 7, line 59 – column 8, line 26; column 17, lines 59-65; and column 1, lines 39-47 "Other connection depletion attacks in this same genre include so-called "e-mail bomb" attacks, in which many thousands of e-mail deliveries are directed at a single server target," of Juels);

Validating the identifier by verifying that the identifier does not exist in the at least one database (see column 16, lines 25-27 'In an another embodiment, the server 120 does not accept more than one or more than a limited number of solutions to a particular puzzle from a client 110.', of Juels); and

Upon validating, canceling the cryptographic puzzle and storing in at least one database, an entry comprising the identifier or information derived from the identifier, and transmitting an ACCEPT response if the identifier is validated (see figure 2, element 280 'validate verification of the correct results of the task'; column 19, lines 38-47; column 7, line 59 – column 8, line 26; and figure 5, element 330 'positive response to the query' [i.e., ACCEPT], element 295 'communicate negative resource allocation acknowledgment' [i.e., REJECT], of Juels).

Juels disclose searching for already-used identifiers in a database [i.e., "bucket hashing on identifiers"]. However, Juels does not specifically using the term database. Neither does

Juels specifically mention transmitting the response from the server to the recipient distinct from the sender.

ii. Landsman teaches a method of managing electronic messages wherein Landsman discloses the database (see page 4, paragraph [0042] of Landsman).

Landsman further discloses transmitting the message from the server to the recipient distinct from the sender (see figure 1A, element 16 'recipient server', 12 'recipient computer'; and figure 5, element 70 'deliver message', of Landsman).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landsman into the method of Juels to couple the cancellation server to a database.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landsman into the method of Juels to be able to send a message from the server to a recipient distinct from the sender.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Landsman into the system of Juels to couple the cancellation server to a database, because it's well known in the art that the database can store and keep track of information. Therefore Landsman's teaching could enhance Juels's system.

The ordinary skilled person would have been motivated to have applied the teaching of Landsman into the system of Juels to be able to send a message from the server to a recipient distinct from the sender, because Juels discloses "In one embodiment, the invention relates to an apparatus for allocating a resource including a first receiver receiving a resource allocation request from a client, a puzzle generator creating a computational task for the client to perform, a transmitter communicating the computational task to the client, a second receiver receiving a verification that the client has correctly performed the computational task within a predetermined time limit, and an allocator allocating resources for the client." (see column 3, lines 54-52 of Juels, emphasis added). Therefore Landsman's teaching could enhance Juels's system.

Referring to claim 3:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose transmitting a response

(see e.g. figure 5, element 295 'communicate negative response allocation acknowledgment' of Juels).

Referring to claims 4, 29:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose the timestamp (see figure 8, element 510 'time stamp' of Juels).

Referring to claims 5, 30:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose the range of values (see column 11, lines 46-57 of Juels).

Referring to claims 6, 34:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose verifying that the identifier does not exist in the at least one database (see column 16, lines 25-27; and column 19, lines 38-47 of Juels).

Referring to claim 7:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose the hashing (see column 3, lines 12-16 of Juels).

Referring to claims 8, 31:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose the second server (see column 3, lines 54-62 of Juels).

Referring to claims 9, 32:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose the database (see page 4, paragraph [0042], lines 3-8 of Landsman).

Referring to claims 10, 33:

Juels and Landsman teach the claimed subject matter: a cancellation server for canceling cryptographic puzzles (see claim 1 above). They further disclose the network (see column 2, lines 30 of Juels).

Referring to claim 12:

i. Juels teaches:

A puzzle checker for use in a digital delivery system, the puzzle checker communicatively coupled with a cancellation server, and configured for executing the steps of:

transmitting to the cancellation server, an identifier associated with a cryptographic puzzle attached to a digital object, the digital object being an electronic mail message intended for delivery from a sender to a recipient distinct from the sender, the puzzle checker being associated with the recipient (see figure 2, element 270 'communicate verification of the correct results of the task'; column 19, lines 38-47 'Note that to prevent an adversary from using the same solved puzzle for multiple allocations, the server 120 must ensure that only one slot in B is allocated for each request M.sub.i. One way to accomplish this is to let some unique identifier derived from M.sub.i.sup.1 [i.e., request] be associated with the slot allocated for M.sub.i. On receiving a correctly solved puzzle corresponding to M.sub.i, the server 120 checks that no slot has been allocated for it already. One means of enabling a rapid search for already-used identifiers would be to assign slots through bucket hashing on identifiers.'; column 7, line 59 – column 8, line 26; column 17, lines 59-65; , and column 1, lines 39-47 "Other connection depletion attacks in this same genre include so-called "e-mail bomb" attacks, in which many thousands of e-mail deliveries are directed at a single server target," of Juels, emphasis added); and

receiving a REJECT response from the cancellation server as a result of the identifier being already present in a database of the cancellation server (see figure 5, element 285 'reject verification of the correct results of the task'; and column 16, lines 25-27 'In an another embodiment, the server 120 does not accept more than one or more than a limited number of solutions to a particular puzzle from a client 110.', of Juels, emphasis added); and

Processing the digital object in response to receiving the REJECT response (see column 13, lines 31-45 of Juels).

Juels disclose searching for already-used identifiers in a database [i.e., "bucket hashing on identifiers"]. However, Juels does not specifically using the term database. Neither does

Juels specifically mention transmitting the response from the server to the recipient distinct from the sender.

ii. Landsman teaches a method of managing electronic messages wherein Landsman discloses the database (see page 4, paragraph [0042] of Landsman).

Landsman further discloses transmitting the message from the server to the recipient distinct from the sender (see figure 1A, element 16 'recipient server', 12 'recipient computer'; and figure 5, element 70 'deliver message', of Landsman).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landsman into the method of Juels to couple the cancellation server to a database.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landsman into the method of Juels to be able to send a message from the server to a recipient distinct from the sender.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Landsman into the system of Juels to couple the cancellation server to a database, because it's well known in the art that the database can store and keep track of information. Therefore Landsman's teaching could enhance Juels's system.

The ordinary skilled person would have been motivated to have applied the teaching of Landsman into the system of Juels to be able to send a message from the server to a recipient distinct from the sender, because Juels discloses "In one embodiment, the invention relates to an apparatus for allocating a resource including a first receiver receiving a resource allocation request from a client, a puzzle generator creating a computational task for the client to perform, a transmitter communicating the computational task to the client, a second receiver receiving a verification that the client has correctly performed the computational task within a predetermined time limit, and an allocator allocating resources for the client." (see column 3, lines 54-52 of Juels, emphasis added). Therefore Landsman's teaching could enhance Juels's system.

Referring to claim 13:

i. Juels teaches the claimed subject matter:

A puzzle checker for verifying solutions to cryptographic puzzles (see claim 12 above). However, Juels does not specifically mention removing the object.

ii. Landsman teaches a method of managing electronic messages wherein Landsman discloses the removing an object (see page 1, paragraph [0016], lines 8-10 of Landsman).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landsman into the method of Juels to add the feature of removing an object.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Landsman into the system of Juels to add the feature of removing an object, because when the server rejects verification of the correct results of the task and communicate negative resource allocation acknowledgement to the client (see figure 5, elements 285, 295 of Juels), the original client's request (see figure 5, element 230 'communicate resource allocation request of Juels) need to be removed from the server.

Referring to claim 14:

Juels and Landsman teach the claimed subject matter: a puzzle checker for verifying solutions to cryptographic puzzles (see claim 13 above). They further disclose the filtering (see page 1, paragraph [0010] of Landsman).

Referring to claim 15:

Juels and Landsman teach the claimed subject matter: a puzzle checker for verifying solutions to cryptographic puzzles (see claim 13 above). They further disclose the modification (see column 22, lines 8-11 Juels).

Referring to claim 16:

Juels and Landsman teach the claimed subject matter: a puzzle checker for verifying solutions to cryptographic puzzles (see claim 13 above). They further disclose verifying whether the solution solves the puzzle, and processing the object (see figure 2, elements 280 'validate verification of the correct results of the task', 290 'allocate resource and communicate resource allocation acknowledgment', of Juels).

Referring to claim 17:

Juels and Landsman teach the claimed subject matter: a puzzle checker for verifying solutions to cryptographic puzzles (see claim 13 above). They further disclose the timestamp (see figure 8, element 510 'time stamp' of Juels), and the threshold range of time (see column 13, lines 40-41 'within time T' of Juels).

Referring to claim 18:

Juels and Landsman teach the claimed subject matter: a puzzle checker for verifying solutions to cryptographic puzzles (see claim 13 above). They further disclose the hash of the identifier (see column 19, line 47 'hashing on identifiers', of Juels).

Referring to claims 19-20:

Juels and Landsman teach the claimed subject matter: a puzzle checker for verifying solutions to cryptographic puzzles (see claim 13 above). They further disclose the recipient computer and the intermediate server (see figure 1A, element 12, 'recipient computer', 16 'recipient server' of Landsman).

Response to Arguments

5. Applicant's arguments filed on January 25, 2008 have been fully considered but they are not persuasive.

Applicant argues:

"Notably, the Juels reference does not disclose or even suggest that a puzzle is attached to an electronic mail message sent from a sender to a recipient distinct from the sender, as is recited in claims 1, 12, 28, and 36, and also that in response to a message from a sender to a recipient distinct from the sender, a server or the like transmits to the distinct recipient an ACCEPT response if the identifier is validated, as is also recited in claims 1, 28, and 36, or a REJECT response to a puzzle checker associated with the recipient, as is also recited in claim 12." (page 4, 3rd paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

Juels discloses a puzzle is attached to an electronic message sent from a sender to a recipient (see e.g. figure 6, step 580 'communicate Y[j] puzzle output to the client' of Juels).

Juels further discloses the electronic mail message (see column 1, lines 39-47 'e-mail deliveries', of Juels).

Juels further discloses transmits to the recipient an ACCEPT response if the identifier is validated, or a JRECT response (see e.g., figure 5, element 330 'positive response to the query' [i.e., ACCEPT], 295 'communicate negative resource allocation acknowledgment' [i.e., REJECT], of Juels).

However, Juels does not specifically mention a recipient distinct from the sender.

On the other hand, Landsman teaches a method for managing electronic messages wherein Landsman discloses sending a message from a server to a recipient distinct from the sender (see figure 1A, element 10 'sender computer', 16 'recipient server', 12 'recipient computer', of Landsman).

Therefore, the combination of Juels and Landsman teach that a puzzle is attached to an electronic mail message sent from a sender to a recipient distinct from the sender, as is recited in claims 1, 12, 28, and 36, and also that in response to a message from a sender to a recipient distinct from the sender, a server or the like transmits to the distinct recipient an ACCEPT response if the identifier is validated, as is also recited in claims 1, 28, and 36, or a REJECT response to a puzzle checker associated with the recipient, as is also recited in claim 12.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan

April 24, 2008

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2135